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ENVIRONMENT IN THE 1990s - CHALLENGES AND DEMANDS

Introductory Report of the Executive Director

Addendum

EARLY WARNING AND FORECASTING OF ENVIRONMENTAL EMERGENCIES: THE ROLE OF THE GOVERNING COUNCIL IN STRENGTHENING THE IMPLEMENTATION OF INTERNATIONAL LEGAL INSTRUMENTS IN THE FIELD OF THE ENVIRONMENT AND IN HELPING IN THE PREVENTION AND ASSISTING IN RESOLUTION OF ENVIRONMENTAL CONFLICTS; A PROPOSED UNITED NATIONS CENTRE FOR URGENT ENVIRONMENTAL ASSISTANCE; AND, THE ESTABLISHMENT OF A GREEN BRIGADE

Summary

In section V of his report to the Council at its second special session (UNEP/GCSS.II/2), the Executive Director touched briefly on numerous subjects including: the role of the Governing Council in assisting in the avoidance of environmental conflicts and in their resolution when they occur as well as in the verification of the implementation of environmental agreements; the establishment of a United Nations centre for urgent environmental assistance; a mechanism for early warning and forecasting of environmental degradation and emergencies; and the establishment of a Green Brigade. In its decision SS.II/1, the Council requested the Executive Director to submit a report on these and other issues to the Council at its sixteenth session.

Although the Executive Director is submitting the requested report to the Council (UNEP/GC.16/4), it was felt advisable to elaborate in more detail on some of the subjects covered in that report; hence, the present addendum, which deals primarily with a single, basic theme - namely theavoidance or amelioration of environmental emergencies. The first step, one already anticipated by the General Assembly in its resolution 44/224, concerns the capacity of the United Nations to monitor, assess and anticipate environmental threats. The Council has before it, in document UNEP/GC.16/17, the Secretary-General's report on this subject.

In anticipation of environmental threats, one way in which the international community responds is by adopting international legal instruments, such as the Vienna Convention for the Protection of the Ozone Layer and its Montreal Protocol, designed to counter the threat to the

ozone layer, or the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal. But what is lacking is a systematic means of verifying the implementation of such legal instruments. This issue is addressed in part I of the present report.

Part II deals with the role of the Governing Council in helping to prevent and assisting in the resolution of environmental conflicts.

In part III, the Executive Director is presenting the report called for by the Council in its decision 15/10 on the establishment of a United Nations centre for urgent environmental assistance.

Lastly, part IV concerns the establishment of a kind of corps of volunteers for the environment or "Green Brigade".

All these issues have surged forcefully to the fore because of the perilous environmental conditions that emerged as a consequence of the crisis resulting from the situation between Iraq and Kuwait. A number of UNEP actions - notably its initiative to hold inter-agency consultations in early February to deal with the problem; the unanimous support for UNEP's proposed framework for action at the meeting convened by the Regional Organization for the Protection of the Marine Environment (ROPME), which took place in Bahrain later in February; the approval by the second inter-agency meeting in Geneva on 15 March of the Action Plan proposed by UNEP; and the establishment of a task team for implementing the Plan, as well as the establishment within UNEP of a trust fund for this purpose - all provide examples of what a centre for urgent environmental assistance can do.

It should also be noted that in the wake of the crisis resulting from the situation between Iraq and Kuwait, UNEP received numerous letters and other communications from young people offering their services to mitigate environmental damage in the region. This in itself testifies to the timeliness of founding a "Green Brigade".

I. THE ROLE OF THE UNEP GOVERNING COUNCIL IN STRENGTHENING THE IMPLEMENTATION OF INTERNATIONAL LEGAL INSTRUMENTS IN THE FIELD OF THE ENVIRONMENT

1. The world community has accumulated a large number of legal instruments in the environmental field. The number in only one category - multilateral treaties - is approximately 150. Yet the efficiency and effectiveness of environmental legal regulation leave much to be desired. Among the major reasons for this deficiency are lack of compliance with existing legal commitments and the inherent weakness of enforcement procedures. Verification of the implementation of international legal instruments in the field of the environment is a potentially powerful way of enhancing environmental protection through juridical means.

2. International environmental agreements, as a rule, incorporate obligations to report on implementation (see, for example, the Convention for the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, the London Dumping Convention), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Long-Range Transboundary Air Pollution, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer. Verification carried out by the contracting parties through the creation of special monitoring institutions is another common method. There are numerous treaties on river and lake protection and wildlife protection and other subjects under which international commissions or implementation committees have been established, a recent example being the Implementation Committee set up under non-compliance procedure adopted by the Second Meeting of the Parties to the Montreal Protocol (UNEP/OzL.Pro.2/3, annex III). The competence and responsibilities of international institutions entrusted with verification functions are usually much wider than simply registering the facts or complaints of non-compliance. The relevant provisions of CITES and the Basel Convention on hazardous wastes may serve as examples. There are also precedents for entrusting international organizations, such as the Commission of the European Communities and the International Atomic Energy Agency (IAEA) with verification responsibilities, but an important requirement is the competence of the organization in the relevant field. Another variation is the integrated verification responsibility both of the bodies created under the particular juridical instrument and of the main organs of the United Nations system. The 1977 Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques, for example, provides for the direct involvement of the United Nations Security Council in case of non-compliance.

3. The involvement of the UNEP Governing Council in the verification of environmental treaties is implicit in its responsibility "to keep under review the world environmental situation in order to ensure that emerging environmental problems of wide international significance receive appropriate and adequate consideration by Governments" (General Assembly resolution 2997 (XXVII), section I, para. 2 (d)). There are several ways in which UNEP could participate actively in the verification of environmental treaties: UNEP/GEMS could monitor the efficacy of legal regulations by checking the impact of the treaties on the relevant indices of the environmental area to which the treaties are addressed; UNEP should also continue to update on a regular basis the Register of International Treaties and Other Agreements in the Field of Environment.

4. Another option might be creation of an Inter-Secretariat Co-ordination Committee convened by the UNEP Governing Council, chaired by the UNEP Executive Director or his senior representative, and composed of the chief officers of the secretariats of environmental conventions. The Committee could meet on a regular basis with continuous technical services provided by the UNEP secretariat and exercise the following functions:

(a) Receive and consider regular GEMS reports on the impact of international legal regulations on key indices of the natural environment;

(b) Receive and review regular reports from individual secretariats on the implementation of the relevant legal instrument;

(c) Consider and evaluate verification/compliance/enforcement mechanisms;

(d) Report regularly to the Governing Council on the state of implementation of international environmental legal instruments and recommend to the Governing Council, for its consideration and further recommendation to the relevant conferences of contracting parties, ways and means of improving further the verification mechanisms and practices under environmental treaties;

(e) Draw to the attention of the Governing Council particularly serious threats of damages to global environment of which the Committee became aware through performing its functions;

(f) Perform, as appropriate, any other functions that may be entrusted to it by the Governing Council.

5. To facilitate the operation of such a mechanism, the Governing Council could add to its regular reporting to the United Nations General Assembly a report on the state of implementation of international environmental legal instruments on the basis of the reports submitted by the Inter-Secretariat Co-ordination Committee to the Governing Council. The Governing Council might also consider inviting contracting parties to environmental agreements to establish mechanisms for monitoring their implementation in those cases where the agreements themselves do not set up such mechanisms.

6. The Governing Council has hitherto taken the lead role in initiating measures for the negotiations and conclusion of international environmental agreements designed to safeguard and enhance the environment for the benefit of present and future generations of humankind. The above scheme for the monitoring of the implementation of such agreements by the Governing Council would provide it with an opportunity to ensure that such instruments are appropriately and adequately implemented and identify areas in which the development of further international environmental agreements is advisable.

II. THE ROLE OF THE GOVERNING COUNCIL IN HELPING IN THE PREVENTION AND ASSISTING IN RESOLUTION OF ENVIRONMENTAL CONFLICTS

7. Recent years have witnessed a sharp increase in the number and range of environmental conflicts. 1/ A characteristic of environmental conflicts is a divergence of interests between neighbouring States or between an

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1/ As employed applied here, the expression "conflict" is broadly understood not only as disputes between States, but as any controversy over natural resources and/or impacts of environmental harm.

individual State and the international community as a whole. Among the more prevalent types of current environmental conflicts are those touching on the impacts of: (i) transboundary air pollution, including acid rain; (ii) transboundary water pollution; (iii) overuse or misuse of such shared natural resource - lake, river, underground acquifer, forests; (iv) transboundary movement of hazardous wastes; and (v) the impacts of global environmental problems - climate change, ozone depletion and loss of biodiversity - on those who are not necessarily their main cause. Such conflicts, some with potentially explosive political content, have brought into sharp focus the urgent need for specific measures for their prevention or resolution.

8. As a general rule, legal disputes should be referred to the International Court of Justice. UNEP's Governing Council by its very mandate and the wide experience UNEP has acquired over nearly two decades of activity in the field of environment, seems well suited to make a substantial contribution in helping to prevent environmental conflicts and in resolving them when they occur. In its resolution 2997 (XXVII), the General Assembly provided the UNEP Governing Council with the implied powers to help in preventing and assisting in the resolution of environmental conflicts. By paragraph 2 (d) of this resolution, as indicated in paragraph 3 above, the Governing Council is empowered "to keep under review the world environmental situation in order to ensure that emerging environmental problems of wide international significance receive appropriate and adequate consideration by Governments". The Manila Declaration on the Peaceful Settlement of International Disputes (General Assembly resolution 37/10) identified "utilizing ... the subsidiary organs established by the General Assembly in the performance of its functions under the Charter" as an option for early peaceful settlement of disputes. This provision relates directly to the UNEP Governing Council as a subsidiary body of the United Nations General Assembly established to carry out environmental functions under the United Nations Charter.

9. The task of helping in the prevention and resolution of environmental conflicts is nothing new to UNEP. The UNEP regional seas programme is designed not only to protect the environment of a given regional sea, but also to prevent environmental disputes between "co-owners" of that sea. UNEP action plans for the rational management of lake and river basins, such as the Chad and Zambezi basins, are also designed to anticipate and avoid potential environmental disputes. Moreover, there have been several instances where UNEP has acted, upon request, as mediator or facilitator in environmental disputes. Just recently, at the request of the two Governments concerned, UNEP sent an expert team to examine the conflicting claims of two European States concerning transboundary air pollution. The UNEP team studied the situation, ascertained the facts and formulated a co-operative scheme between the two Governments to solve the problem and enhance the environment - for the benefit of all concerned. This is clearly an approach to conflict resolution that could be very useful, namely that UNEP, at the request of a Government, would act as a facilitator to assist Governments to work together to structure a problem, to identify its scientific aspects and propose alternative solutions. The Governments themselves would then be responsible for deciding on how they wished to address the problem.

10. The Governing Council could carry out this task in various ways, e.g. directly, through a subsidiary body or by mandating the Executive Director in specific incidents. There are also various means by which such a task could be performed by the Governing Council: (i) representing environmental interests of international community as a whole for the benefit of present and future generations; (ii) early warning of any serious environmental threat that might cause an international conflict;

(iii) establishing fact-finding bodies, upon request, utilizing the most highly qualified independent environmental experts, and rendering good offices and/or conciliation and/or mediation services; and
(iv) requesting, in accordance with Article 96 of the Charter of the United Nations, advisory opinions from the International Court of Justice on legal questions related to environmental conflicts.

III. A PROPOSED UNITED NATIONS CENTRE FOR URGENT ENVIRONMENTAL ASSISTANCE

Background

11. Concern over industrial accidents and their transboundary effects, high losses triggered by natural disasters, and the severity of global as well as localized environmental deterioration has generated widespread consensus on the need to strengthen international response to environmental disasters. Such concern led to the adoption of Governing Council decision 15/10 in May 1989, requesting the Executive Director to consult Governments, United Nations bodies and specialized agencies and competent regional organizations on the advisability of establishing a United Nations centre for urgent environmental assistance, the financial implications of doing so, and the contribution existing United Nations activities could make to such a centre.

12. International co-operation on environmental emergencies was also the subject of discussion at the forty-fourth session of the General Assembly. In its resolution 44/224 of 22 December 1989, the Assembly recognized the need to strengthen international co-operation in monitoring, assessing and anticipating environmental threats and rendering assistance in cases of environmental emergency.

Government and agency views on the centre

13. In accordance with paragraph 1 (a) of Governing Council decision 15/10, the Executive Director invited Governments, United Nations agencies and other relevant organizations to present their views on the proposed centre. Thirty-seven countries and 20 agencies offered views and suggestions on the subject; rarely has there been so high a response rate to a letter of the Executive Director in pursuance of a Governing Council decision. One third of the Government responses came from industrialized nations and two thirds from developing countries.

14. An analysis of the responses showed strong support, in principle, for the establishment of a centre. Nearly all responses testified to the need to improve the United Nations capacity to respond efficiently and appropriately to environmental emergencies. Governments and agencies cited a number of reasons for supporting the initiatives, in particular: (i) fostering international co-operation on environmental emergencies; (ii) addressing issues arising from transboundary accidents; (iii) a global response to urgent environmental problems which have global implications; (iv) promoting technology exchange that would help prevent and alleviate environmental emergencies; (v) improving preparedness and response to emergencies, which recent environmental disasters have demonstrated are inadequate; (vi) combating the environmental deterioration that leads to disasters.

15. Views concerning the possible scope and functions of the centre varied considerably. Developing countries generally wanted the centre to deal with a wide range of emergency situations, including natural disasters, industrial accidents and long-term ecological problems, such as severe

pollution or resource degradation. Others emphasized the need to limit the scope of such a centre's activities, possibly focusing on industrial or other technological accidents or transboundary incidents.

16. The types of activities most often proposed for the centre can be broadly grouped into three categories: (i) providing or co-ordinating emergency assistance; (ii) clearing-house and networking activities; (iii) research, training and technical assistance.

Inter-agency exploratory meetings on environmental emergencies, July 1990 and February 1991

17. The proposed centre was further considered at two informal exploratory meetings of key agencies and experts on environmental disasters and emergencies held in July 1990 and in February 1991. The July 1990 meeting focused on the issues raised in the report on Government and agency views on Governing Council decision 15/10, specifically: (i) the nature and type of environmental emergencies that need to be addressed; (ii) the extent to which the present capacity of the United Nations system to respond to environmental emergencies is adequate to that need; (iii) the functions and activities a centre or some similar mechanism would carry out; (iv) the financial and other resources a centre would require; (v) the best method of co-ordinating any new initiative with existing activities on environmental emergencies within the United Nations system.

18. Participants at the July 1990 meeting discussed the need to make better use of existing resources and to improve efficiency; the need for additional resources to support response, rehabilitation and prevention measures; and the need to identify any unmet needs, such as emergency situations for which the United Nations system does not have an adequate response mechanism. The meeting also considered a suggestion for an in-depth feasibility study for the establishment of a centre, taking into account the broad issues outlined above and based on the conclusions of the analysis of Government and agency views. There was considerable agreement on the need for further clarification of these issues, for an in-depth assessment of the present capacity of the United Nations to respond to environmental emergencies, and for a detailed description of the operational requirements of a centre.

19. The second meeting, held in February 1991, considered two reports prepared by consultants retained by UNEP. The reports dealt with both broad issues on the need and means to improve the capacity of the United Nations to respond to environmental emergencies and details of the practical operation of a centre, including a preliminary outline of a "switchboard mechanism" to meet communications requirements for improving response to environmental emergencies.

20. In discussing the two reports, the second meeting concluded that although many of the essential issues had been addressed, there remained a need to examine further the modalities of the operations of a centre. The meeting also concluded that emphasis be given to increasing active co-operation among the United Nations agencies to better address environmental emergencies. This could be done by, inter alia, enhancing the existing capacity of the emergency response mechanisms of United Nations agencies.

21. During the deliberations of the Governing Council's special session in August 1990, several countries expressed their support for the proposed centre. One country indicated its willingness to support the centre through scientific expertise, while two others stated their willingness to be actively involved in the development of the proposed centre.

22. As indicated earlier, the oil spills during the crisis resulting from the situation between Iraq and Kuwait and the burning oil emphasized the pressing need for such a co-ordinating body. Actions were launched by various United Nations bodies in a co-ordinated process at the initiative of UNEP and by the Regional Organization for the Protection of the Marine Environment (ROPME) in co-operation with UNEP. The International Maritime Organization (IMO) carried the responsibility of co-ordinating Government initiatives in dealing with the oil spills during the conflict.

Development of a centre for urgent environmental assistance

23. It is obvious that there is general agreement on the urgent need for strengthening the existing capacities of the United Nations system to deal with environmental emergencies.

24. Based on the analysis of Government and agency views on Governing Council decision 15/10, the results of the two exploratory meetings, and Government comments made during the second special session of the Governing Council, the Executive Director recommends proceeding with the development, on an experimental basis, of a centre for co-ordinating response to environmental emergencies based on the following principles:

(a) It would not be a new institution, but rather a small co-ordinating body acting as a switchboard and clearing-house;

(b) The co-ordinating unit would focus on referral and information-sharing activities between existing well-established emergency response mechanisms in various bodies and organizations of the United Nations system and those of various national Governments;

(c) It would have a steering committee composed of representatives of all United Nations agencies and bodies concerned and chaired by the UNEP Assistant Executive Director, Office of the Environment Programme;

(d) It would be primarily concerned with sudden events requiring urgent and immediate response, rather than the slow processes of environmental degradation;

(e) It would focus, at the beginning, on industrial, transport, oil spills and other technological emergencies;

(f) It would maintain rosters of consultants and experts on environmental emergencies and of sources of appropriate equipment, as well as a list of areas of possible risk;

(g) It would identify, in full co-operation with the agencies concerned, the needs of their emergency response mechanisms to respond more efficiently and effectively to these emergencies.

25. It is proposed that the centre would be established on an experimental basis at the beginning of 1992 with a senior consultant plus four or five staff members and a modest working budget (of the order of US$2 million for a period of approximately 18 months) at a site to be determined in consultation with United Nations agencies, bearing in mind the requirement for rapid communication. The experiment would be reviewed before the next regular session of the Governing Council in 1993, and the results presented to the Council for its consideration and decision on further steps that might be taken.

IV. THE GREEN BRIGADE

26. In his report to the second special session of the Governing Council, the Executive Director proposed the setting up of "volunteers for the environment: a green brigade" (UNEP/GCSS.II/2, paras. 150-152). He proposed mobilizing the commitment of people everywhere who are seeking ways to make a personal contribution to the environment and directing this commitment toward specific activities. He also suggested that young people, the future beneficiaries of a better environment, would be the mainstay of a worldwide "Green Brigade" movement. As indicated in the summary of the present document, when the oil spill off the coast of Kuwait occurred, scores of young people wrote to and telephoned UNEP, asking how they could be of assistance in dealing with the situation. This outburst of energy and enthusiasm has encouraged the Executive Director in his belief that there is a real need and use for the establishment of a "Green Brigade".

27. The concept of a Green Brigade could be realized in two phases. The first would be to work through existing organizations and networks to create an informal global coalition of groups and individuals who have "pledged" to act on the basis of a set of principles and guidelines to be issued by UNEP. The second would be to encourage and facilitate the formation at the local level of Green Brigade units, which would undertake a variety of activities to improve and protect the environment.

28. During the first phase, UNEP would link existing organizations into a broad support group or network called the "Green Brigade". Any organization agreeing to adhere to the principles and guidelines issued by UNEP would become a member of the Green Brigade and would receive a certificate from UNEP acknowledging that they were part of a world-wide movement to protect and preserve the environment. They would report their activities to UNEP, and UNEP would issue an informal newsletter describing all such activities. UNEP could also develop a manual of action ideas for members of the Green Brigade and facilitate "twinning" and mutual assistance arrangements, particularly between Green Brigade units in developed and developing countries. Further, UNEP would facilitate and co-ordinate the use of such units in environmental emergencies or in dealing with serious environmental problems (e.g. deforestation, desertification, solid waste) outside the territories in which the units reside.

29. During this first phase, UNEP would work in collaboration with a variety of individuals and groups the world over, including its Goodwill Ambassadors, youth network, and Global 500 laureates. For some groups, whose primary mandate is not the environment per se, the Green Brigade-related activities would be one aspect of a much broader range of activities. For others, such as existing environmental organizations at the national, regional and international levels, Green Brigade activities would be an integral part of their ongoing functions. This does not rule out, however, the establishment of new groups at the local level for the particular purpose of the Green Brigade movement. For such groups, UNEP might prepare a manual or resource kit.

30. UNEP already has links and co-operative relationships with a significant network of non-governmental organizations, community groups, individuals and enterprises dedicated in one way or another to protect the environment and to promote sustainable development. It is thus well placed to play a catalysing role in fostering the Green Brigade concept and in mobilizing interest and support for it. Under the aegis of the Green Brigade, UNEP would foster consultation, collaboration, and the sharing of information and experience with a view to giving each member a sense of being part of a larger movement and benefiting from it.

31. During the second phase, UNEP would encourage and assist young people around the world to work together as volunteers in project teams under the auspices of existing public and private organizations.

32. In this context UNEP could provide the blueprints for setting up Green Brigade teams at the local level to undertake specific projects. Such projects would be tailored to local needs, conditions and resources and draw upon local knowledge and experience. Members of such local teams would be eligible for membership in the world-wide Green Brigade movement and would be issued a certificate from UNEP in recognition of their contributions to the global environmental cause.

33. The first phase can be covered within the current 1990-1991 and the proposed 1992-1993 resources. There are indications that some industries might be ready to lend their support to such an exercise. An evaluation of the first phase would be presented to the Council at its seventeenth session. If the evaluation is positive, an estimate of the resources required to implement the second phase, as well as an indication of the sources of the required funding, will be submitted to the Council.